



WEARE BOARD OF SELECTMEN  
MEETING MINUTES  
September 15, 2004

**PRESENT:** LAURA PETRAIN, CHAIRMAN; LEON METHOT, CO-CHAIRMAN; HELEEN KURK, SELECTMAN; THOMAS REYNOLDS, JR. SELECTMAN.

**TOWN ADMINISTRATOR:** ROBERT CHRISTENSEN  
**RECORDING SECRETARY:** MERRY RICE

**SELECTMAN THOMAS REYNOLDS ARRIVED AT 6:15 P.M.**

**6:06 p.m. Chairman Laura Petrain called the meeting to order.**

**1. MANIFESTS SIGNATURE DISCUSSION** – Chairman Petrain addressed the Board regarding the Manifest, the correct or incorrect way to obtain signatures and the manner of how the Board authorizes the Treasurer to sign the checks using an estimated amount for the off week Manifest.

Chairman Petrain said the Board has gotten quite a bit of information from the Local Government Center and Mr. Don Thomson, the Treasurer has contacted Attorney Dean Eggert. Looking at all the information, one of the questions that really needs to be looked into is whether or not making a motion for the estimated amount is the right way to do it. Chairman Petrain said the Board found out that making a motion for the estimated amount is not the correct method.

Chairman Petrain said after reading all the information that has been presented to the Board it comes down to this. Under the RSA if the Board is signing the Manifest in a public meeting, then the Board should really be making that motion to let the people know this is what we are doing. The Board has the actual figures and under the Right-to-Know law this gives everyone the understanding of what the Board is doing during the meeting. Chairman Petrain said her other concern is the off week meetings where the estimated amounts is giving Mr. Thomson the authority to write and sign off on one check for a full amount. Does the Board even need to make a motion, can they sign off on the Manifest and make a notation in the public document and say this is the amount the Board signed off on and gave authority to the Treasurer to sign checks.

Chairman Petrain asked Attorney Susan Slack on off weeks does the Board have to have a motion for the week the Board is not meeting, can the Board sign them. Attorney Slack responded it is sufficient under the Right-to-Know law to do that. Chairman Petrain asked the Treasurer, Mr. Don Thomson if he had anything to add.

Mr. Thomson had a question as to how the Board proposed to handle the Manifest.

Mr. Thomson has a problem with Board members coming in over the weekend and signing because he said action taken by one person is not legal. The Manifest has to be in front of the public to look at and money needs to be exact and then signatures should be given then and not wait for the off week.

Chairman Petrain said a motion does not have to be made by the Board of Selectmen.

Mr. Thomson said this is a violation of the Right-to-Know law. Chairman Petrain said it is not a violation.

Chairman Petrain asked Mr. Thomson if he was going to sign checks if the Board felt comfortable doing the Manifest in which they have been advised that they can do them and absolving Mr. Thomson from any liability under the Right-To-Know law.

Mr. Thomson said he should have a further legal opinion on this that says yes, he can sign or no, he should not sign by next week. If Mr. Thomson decides he is not going to sign checks the Deputy Treasurer would have to take over and if the Deputy Treasurer didn't sign the Board would have to appoint someone to sign checks. The Board wants to make sure it is done right.

Selectman Kurk suggested to avoid having payroll held up if Mr. Thomson decided not to sign the checks the Board would need a notice from Mr. Thomson saying he was not going to sign checks. Mr. Thomson said there was no problem for next week because the Board is having a meeting on September 20, 2004 and he would notify the Board if he were not going to sign checks.

Mr. Thomson wants something in writing from Attorney Susan Slack from the Local Government Center to put his mind to rest so he will get in contact with the attorney and when he has any information he will e-mail the Board to inform them.

**The Board was in agreement that on off weeks the Board will sign as they have been but will not make a motion and the following week they will say the amount they signed so that is goes into public record.**

**2. SUGAR AND SPICE CONTRACT DISCUSSION/SIGNING** – Selectman Methot said on the contract he noticed the guaranteed scholarship program had been removed.

Mr. Christensen said it was removed because of Attorney Eggert's advice. Mr. Christensen said Sugar and Spice would keep this scholarship going outside of the contract in a savings account, subject to inspection by the Town. If the Town wants to review it once a year they do not mind running off a balance sheet of just that account showing how it's accumulating and the distribution wanting to make sure they do not distribute names of those who receive it because of confidentiality.

Selectman Methot suggested Sugar and Spice send the Town a semi-annual report and see how that works. The Board was in agreement with that.

Mr. Christensen said Mary Martin of Sugar and Spice Daycare is scheduled to sign the contract on September 20<sup>th</sup>, 2004 at the next Board of Selectmen's meeting. The Board was in agreement with that.

### **3. OLD BUSINESS**

#### **MEETING MINUTES**

Board went over corrections to be made to July 19, 2004 meeting minutes.

**Chairman Petrain moved, Selectman Kurk seconded to approve the meeting minutes of July 19, 2004 as amended. Passed 4-0-0.**

Board went over corrections to be made to August 16, 2004 meeting minutes.

**Chairman Petrain moved, Selectman Reynolds seconded to approve the meeting minutes of August 16, 2004 as amended. Passed 3-0-1. Selectman Methot abstained.**

Board went over corrections to be made to August 30, 2004 meeting minutes.

**Selectman Kurk moved, Selectman Methot seconded to approved the meeting minutes of August 30, 2004 as amended. Passed 3-0-1. Chairman Petrain abstained.**

**FEMA REPAYMENT DISCUSSION** –Chairman Petrain asked Mr. Christensen to refresh the Boards memory as to where they are on this.

Mr. Christensen said there are two separate questions and the question that the Board is looking at tonight is what to do with re-paying the \$34,399.00. Mr. Christensen said he spoke with Mr. Bob Anderson of DRA and he stated to pay the amount back in full from the General Fund and that no 3211 letter (petition for one-time emergency expense) is needed because it was not an appropriation. The Board of Selectmen can just choose to do that and no public hearing is needed either. Tammy from Vachon, Clukay & Co. concurred with this opinion. It is possible to use the FEMA money toward what is owed but not preferential to the DRA or auditors. They would both like to see the payment come from the General Fund for the entire amount.

Selectman Reynolds asked is they sent that in writing because the Town has gotten burned before from DRA and he wants it in writing when we take it out of General Fund because it normally has to be approved by voters.

Mr. Christensen said the safe way is to put it out to a Public Hearing.

Selectman Methot said Mr. Christensen is correct. Hold a Public Hearing and send a letter stating what the issue is and there goes the money. The Board can say why they are doing it and we can even quote advice given to the Board from a representative from the Department of Revenue. The Board is telling where the funds are coming from and this is the request. Selectman Reynolds is comfortable with that. The Public Hearing is to accept monies and put in the General Fund said Selectman Methot .

Chairman Petrain said one of the things she wanted to bring up was an RSA that Mr. Christensen had suggested the Town put a Warrant Article on. Chairman Petrain said she believed the Town has already voted on this, to accept grants. Selectman Methot said Ms. Petrain was correct it was done back in the 1980's. Chairman Petrain said where this has already been done the Town can

apply for grants and accept them. Chairman Petrain said the clarification for her part was because this was not going to make the Town overspend their bottom line, which would be the petition.

Mr. Christensen asked the Board if he could let Tammy know the Town is going to hold a Public Hearing and the Board's intention is to pay the full amount out of the General Fund as soon as the Public Hearing takes place. Chairman Petrain said yes, Mr. Christensen is to notify Tammy from Vachon, Clukay and Co.

Selectman Kurk asked how much will be left in the General Fund. Selectman Methot said about \$900,000.00 is the full amount. Selectman Methot said there are receivables on past due taxes that are accountable in there and actual cash in hand.

Mr. Christensen asked the Board if they are going to schedule a session to deal with the \$27,265.47 in the near future. Selectman Methot said they could accept the \$27,265.47 the same night and the Board was in agreement.

**CIP DISCUSSION** – Mr. Christensen has given the Board recommendations and updates. Mr. Christensen said he was talking to Selectman Cook and he would like to get from the Planning Board as to what state the Master plan is in.

Mr. Christensen said the CIP's need to be driven out of the Master Plan sometime in the future because that is a large degree why the Town has voted to pay to fund the Master Plan. In subsequent years, you're prioritizing according to an established and agreed upon document that drives the CIP's. Mr. Christensen said that in the Budget Input Session conversations there is a desire to see only items in the CIP that are hard assets needed and he has three CIP programs that he wants to run by the Board. One is the traditional employee retirement, the computer system fund, the government building and maintenance. A new one which is going to be Code Enforcement, is going to request a new CIP item which is a new vehicle in 2008 and if that doesn't work to go forward with a lease. Employee retirement is needed and needs to continue to be funded and he wants the Board to take a look at it as being one of those items that is not in the CIP program.

Selectman Methot said the Planning Board is going to give clear outlines as to what they are looking for and what a true CIP is. They will set clear guidelines because some things that are in there shouldn't be. People confuse a Capital Reserve fund with a CIP fund and they are not the same. They are clearly two different entities. Capital Reserve Fund is an expendable trust. Selectman Methot said the Govt. Building and Maintenance is going to be addressed by the Planning Board this year. Mr. Christensen said the Stone Building would be added to the spread sheet he sent to the Board. Mr. Christensen stated the Stone Building roof has been repaired and will need to be replaced because of decay. He thinks we can get several years before we have to do it and Mr. Christensen is going back to the Roofing Co. to get a quote. Mr. Christensen stated that whatever is done with the Town Offices, whether moving across the street, adding on to the Town Office building or build a brand new complex down the road, he called Steve Brunelle and asked what it would cost to look at 3 options from an engineering, architectural standpoint and then come up with once the decision is made, preliminary drawings upon that decision and Mr. Brunelle said about \$30,000.00. Mr. Christensen is projecting saving up until 2007 because he knows the New England Village District is going to be doing a lot of work. Mr.

Christensen said after talking to Mr. Bill Beaupre the ramping up is going to take a couple of years to get to full speed so that might coincide nicely. In 2007 we will have \$36,000.00 and we could end up going out to a Bond or whatever in 2008 or waiting longer. Mr. Christensen said he wants to make sure as the Board is having this discussion that they save up some funds to fund an actual engineering study of that. Mr. Christensen said the Town has \$25,000.00 now for the large maintenance items and renovations and if we end up being able to boost the maintenance line in the actual operating budget he would like to see that come down.

Selectman Methot said the original purpose was to put monies aside for a catastrophic repair like if the boiler fails, the steeple on the old Town Hall caves in, these are catastrophic repairs that we do not anticipate. Selectman Methot said it is being used as a crutch to take care of maintenance things and it shouldn't be done this way. Like a rehab of the Town Office Building, that's where government buildings in the capital reserve clearly fall into play.

Selectman Kurk asked if there was a written definition for each item in the CIP because she was reading through a SNHPC handbook from 1994 that each item in the Capital Improvement Program should clearly state its purpose and follow specific guidelines.

Selectman Methot said they give guidelines but no clear definitions. We don't really have a clear definition because every Planning Board and Board of Selectmen every two or three years changes the definitions.

Mr. Christensen informed the Board that a CIP sub-committee was developed.

Selectman Kurk asked what Master Plan is being talked about. Selectman Methot said the current Master Plan has to be used and that is from 1992. A new Master Plan has not been adopted yet. Selectman Methot said we are asking people to go online on the [wearemasterplan.com](http://wearemasterplan.com) web site and add comments because we are in desperate need of public input and we want to put this to bed within the next month. There are two more Public Hearings and then it is going to be adopted. Selectman Methot said a Master Plan that has not been adopted cannot be worked on because there could be some more changes.

Mr. Christensen said what he wants to do with the computer systems as a whole, is to move to thinking of things as an information technology infrastructure and really looking at the whole system and saying where do we want to be in ten years from now. Mr. Christensen wants to take a look at five years out replacing everything and getting everything in sync into a program and the CIP would take care of a complete overhaul upgrade in 2010. Mr. Christensen said that software was not funded this last year and he knows some payroll things that were needed. Immediate need for hardware was needed that should have already been in place and he sent a memo to the Board. Selectman Methot said replacing equip on 5 year rotation is a CIP, it is all hardware. Maintenance is taking care of in Capital Reserve.

Mr. Christensen said a dual status of an infra structure is the hardware doesn't exist in the absence of the software. Selectman Methot said on the same time you could make a good case, the software and peripheral upgrades can be rolled together and to bleed out of that on a yearly basis is wrong. Mr. Christensen said it shouldn't be that way and that is why he wants to go five years out and have a wholesale upgrade.

Selectman Kurk said not only that, but people don't trust what the Board is doing because every little thing you need you keep pulling it out of there and that is not okay. Mr. Christensen said it is very hard to maintain a system if it is all being hodgepodge together and that is why we have to get into a cycle of doing everything at once.

Selectman Kurk said to also be careful that within that, things are not being put in that really belongs in the operating budget.

Selectman Methot said the Tax, Motor Vehicle and Payroll Software companies should be projecting out on a regular basis and when there are upgrade improvements those should be operating items because those are just continuous and you cannot project 5 years out on all the software.

Selectman Kurk said it is important that the CIP gets passed and it seems that now it is even more important that the people understand and are told exactly what each item in the CIP is going to be used for. Selectman Kurk wants to make sure the Board combs it a couple of times over and makes sure nothing is put in there that should really be in the operating budget.

Selectman Methot said there is a safety gap that can be put in there. Several Board of Selectmen have done this over the years by setting up a Capital Improvements Program, a CIP and they have put on the Warrant for a Capital Reserve Fund to do a specific purpose and they allow the Board of Selectmen as agents to expend. You can get around that by not putting that in there for a five year plan of replacing all the computers and just put it on the ballot and that is where you draw your money from. You do not allow anybody to expend out of that fund except the voters.

Selectman Kurk asked if there was a written definition about what qualifies a capital improvement for the CIP program that is binding so they cannot do that no matter who sits on the Board. Selectman Methot said if you write and as long as it doesn't get amended before the voter. The Trustees are the ones that say how the monies are dispersed. The Board will ask the Trustees in advance, as much as they can, this is what we would like to do, is it something within the guidelines, and they do some of the research on how the fund was started and what its purpose was for, and what its purpose is, and yes, you can. Selectman Methot said the cookie jar needs to be locked. Selectman Kurk said the Board needs to be very clear as to what is in the cookie jar and who can eat the cookie.

Mr. Christensen informed the Board the CIP's will be coming in tomorrow from Fire and DPW so the Board will have a sense of what is coming in.

Selectman Methot asked Mr. Christensen if he received a schedule of meetings from the Planning Board because they were only going to have one CIP work session and they are actually going to have two. The Planning Board will be meeting on Thursday night, September 23, 2004 to discuss, accept and recommend the amounts for the CIP. Selectman Methot asked Mr. Christensen to check with Ms. Naomi Bolton as to what date the second CIP meeting will be. Mr. Paul Morin put out a calendar projecting out for the next 3 months and set some dates and what all the meetings are going to be about. Mr. Christensen said Police CIP's are to come in shortly and he wants the Board to take a look at all the departments CIP's as to what is in there.

Mr. Christensen said all the items the Board talked about this evening would be given to Ms. Naomi Bolton for the Planning Board.

**BUDGET INPUT SESSION** – Mr. Christensen reminded the Board of the third Budget Input Session which will be on September 16, 2004 from 7:00 – 8:30 p.m. at the Town Office Building in the Selectmen's Conference Room. The final Input Session will be on September 27, 2004 at the Christ Community Church from 6:30 – 8:00 p.m.

Selectman Kurk asks that more people come to these sessions to be heard and speak their minds on the budget and say what they want.

**BETTERMENT ASSESSMENT** – Mr. Christensen presented the Board with a betterment assessment that needed their signatures.

**FIRE CHIEF'S VEHICLE** – Mr. Christensen informed the Board a letter was received from the Trustees of the Trusts Funds regarding the Fire Chief's vehicle and was forwarded to the Board of Fire Wards and Fire Department.

#### **4. ADJOURNMENT**

**Chairman Petrain moved, Selectman Methot seconded to adjourn at 7:58 p.m. Passed 4-0-0.**

A True Record.

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Merry Rice, Recording Secretary